

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

GREGORY ROBINSON,

Petitioner,

VS.

BRUCE WESTBROOKS, Warden,
Riverbend Maximum Security
Institution,

Respondent.

No. 14-cv-2630-SHL-tmp

ORDER GRANTING JOINT MOTION TO REVISE PROPOSED SCHEDULING ORDER AND WAIVE PAGE LIMITATION

On October 31, 2016, the parties filed a joint motion to revise the scheduling order, requesting an extension of the November 2, 2016 dispositive motion and motion for evidentiary hearing deadline and to waive the page limitations in the Local Rules. (Electronic Case Filing No. 48.) The parties request an extension of the motion deadline until December 2, 2016, and corresponding modification of the response and reply deadlines due to an oral argument scheduled for November 2, 2016, and other workload issues. (*Id.* at 2.)

The oral argument at issue was scheduled in early September 2016. (*See Andrew Thomas, Jr. v. Bruce Westbrook*, No. 15-5299, Doc. 47 (6th Cir. Sept. 1, 2016); *see also Andrew Thomas, Jr. v. United States*, No. 15-6200, Doc. 33 (6th Cir. Sept. 8, 2016)). Additionally, the *Rice* dispositive brief referenced by the parties was originally due on August 26, 2016, and finally filed on October 14, 2016, after the grant of three extensions. (*See Charles Rice v. Bruce Westbrook*, No. 14-2520, ECF Nos. 40, 43, 45 & 46 (W.D. Tenn.).)

Counsel were aware of these workload issues in advance. However, this motion was not filed until two days prior to the deadline at issue.

First, the parties are cautioned to, in the future, anticipate potential scheduling issues further in advance. Workload is typically not good cause for an extension, but the Court takes into account the fact that this is a capital petitioner whose life is at stake. For that reason, the Court grants the requested extension and modifications to the scheduling order.

Therefore, it is **ORDERED, ADJUDGED, and DECREED** that the parties shall have up to and including **December 2, 2016**, in which to file dispositive motions and motions for evidentiary hearing. Further, the motion to waive page limitations is **GRANTED**.

IT IS SO ORDERED, this 2nd day of November, 2016.

s/ Sheryl H. Lipman

SHERYL H. LIPMAN
UNITED STATES DISTRICT JUDGE